IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION No : 17576 of 1994

Between:
M/s. Bombay Tyres International Ltd 5-9-98, Public Garden Road,
Nampally, Hyderabad, rep. by its District Manager S.K. Kumar.

..... PETITIONER

AND

1 The Hon'ble Labour Court-I. 2nd Floor, Chandravihar, Nampally, Hyderabad. rep. by its Presiding Officer.
2 Mr. A. Malliah Died S/o. Mr. Venkaiah
4-1-173, Hanuman Temple, Troop Bazar, Hyderbad.
3 The Government of Andhra Pradesh Rep. by the Secretary, Incharge Labour, Secretariat, Hyderabad.
4 A. Lakshmamma.

R4 is brought on record as Lr of the 2nd respondent as per court order dated 12.6.95 in W.P.M.P 2670/95.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue notice call for records and quash the set aside the award made in I.D.NO.100 of 1988 dt. 3-11-1993 on the file of the Hon'ble Labour Court, Hyderabad, by issuing a writ of certiorari or any other appropriate writ or order or direction as the Hon'ble Court may deems fit and proper in the circumstances of the case otherwise the petitioner will be put to great loss and hardship.

For the Petitioner: MR.P.NAGESWAR SREE ,Advocate

For the Respondent No.3: GP FOR SOCIAL WELFARE

For the Respondent No.4: Mr.R.N.Reddy, Advocate.

The Court Made the Following :

ORDER:

1. This writ petition is filed assailing the award passed by the Labour Court-I (in short "Tribunal"), Hyderabad in I.D.100 of 1988 dated 03-11-1993.

2. The petitioner is the Management and the respondent is the employee, who is no more and whose wife has been brought on record. The respondent was working under the petitioner-management and his services were terminated with effect from 30-11-1985. Thereafter, he raised an Industrial Dispute in I.D.100 of 1998 before the Tribunal. The tribunal found that the termination of respondent by the petitioner- Management is illegal and accordingly granted compensation in lieu of settlement dated 03-11-1998 by awarding Rs.30,000. The said award came to be challenged by the petitioner-Management in the present writ petition.

3. The learned Counsel for the petitioner-Management submits that the award of the Tribunal holding that the order of termination was not sustainable, is illegal and contrary to law. He submits that since the workman has ultimately resigned from service, the question of termination would not arise, and under those circumstances, the award of the Tribunal is liable to be set aside.

4. On the other hand, the learned counsel for the workman submits

that the resignation was obtained by force without his knowledge on Ex.M-1 and therefore, it amounts to order of termination without any conducting enquiry. Therefore, the tribunal has correctly asserted the fact and granted relief, which cannot be interfered with by this Court. Before the Tribunal, the following issue was framed.

> "*whether the petitioner was removed from service or whether the petitioner resigned voluntarily from the service.?"*

5. The workman examined two witnesses as W.Ws.1and 2 and marked Exs.W.1 to W.5 and the Management examined one witness and marked Exs.M.1 to M.6. After considering the entire material on record, the Tribunal found that the management has terminated the services of the respondent with effect from 30-11-1985, but, however, granted compensation of Rs.30,000/-.

6. After perusing the award of the Tribunal thoroughly, I see no reasons to interfere with the same. Under those circumstances, I find there are no merits in the writ petition.

7. Accordingly the Writ Petition is dismissed. No Costs.

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24.06.2004 G.BIKSHAPATHY, J.
Jsu

To
1.The Hon'ble Labour Court-I. 2nd Floor, Chandravihar, Nampally, Hyderabad. rep. by its Presiding Officer.
2.The Government of Andhra Pradesh Rep. by the Secretary, Incharge Labour, Secretariat, Hyderabad.
3.2CCs to the G.P. for Social Welfare, High Court Buildings, Hyd.,
4.2.2CD copies